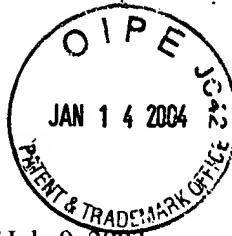


Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 3617
Application No. 09/462,224
Paper Dated: January 9, 2004
In Reply to USPTO Correspondence of July 9, 2003
Attorney Docket No. 702-991961



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/462,224

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Confirmation No. : 4808

JAN 20 2004

Applicant : Marcel Henk Andre JANSSENS

TECHNOLOGY CENTER R3700

Filed : January 3, 2000

Title: RAIL TRACK HAVING ENHANCED ABSORPTION OF
VIBRATION AND SOUND

RECEIVED

Group Art Unit : 3617

JAN 22 2004

Examiner : Frantz F. Jules

GROUP 3600

Customer No. : 28289

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP – AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated July 9, 2003 of the Primary Examiner finally rejecting claims 8, 10-12 and 14. Claims 15-19 have been allowed and claim 9 has been objected to.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 9, 2004.

James G. Porcelli
(Typed name of person mailing paper)

Signature: *James G. Porcelli* Date: 1/9/04

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Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 3617

Application No. 09/462,224

Paper Dated: January 9, 2004

In Reply to USPTO Correspondence of July 9, 2003

Attorney Docket No. 702-991961

A supporting Appeal Brief will be filed in due course.

Pursuant to 37 C.F.R. §1.17(b), a fee in the amount of \$330.00 is required for filing this Notice of Appeal.

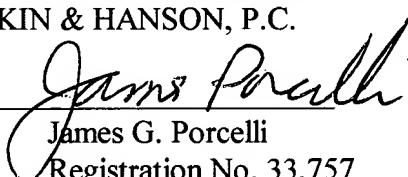
The Commissioner for Patents is hereby authorized to charge this fee of \$330.00 and any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Notice of Appeal are enclosed.

A Petition for Extension of Time is filed concurrently herewith.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



James G. Porcelli
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Response Under 37 CFR §1.116

Expedited Procedure

Examining Group 3724

Application No. 09/462,224

Paper Dated: January 9, 2004

In Reply to USPTO Correspondence of July 9, 2003

Attorney Docket No. 702-991961



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TECHNOLOGY CENTER R3700

JAN 22 2004

GROUP 3600

Serial No.: 09/462,224

Filing Date: January 3, 2000

Examiner: Frantz F. Jules

Group Art Unit: 3617

Invention: "RAIL TRACK HAVING ENHANCED ABSORPTION OF VIBRATION AND SOUND"

Transmitted herewith are the following:

- Notice Of Appeal From The Primary Examiner To The Board of Patent Appeals And Interferences
 Petition For Extension Of Time
 The fee has been calculated as shown below:

No of Claims	Highest No.	Small Entity Rate	Non-Small Entity Rate	Charge
After	Previously	Present	Entity	Entity
<u>Amendment</u>	<u>Paid For</u>	<u>Extra</u>	<u>Rate</u>	<u>Rate</u>
Total	NA	20	x \$ 9.00	x \$ 18.00
Indep.	NA	3	x \$ 42.00	x \$ 84.00
TOTAL ADDITIONAL FEE				\$ 0

- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this Transmittal are enclosed.
 The fee of \$330.00 associated with the Notice of Appeal.
 The fee of \$960.00 associated with the Petition for Extension of Time.
 Any additional filing fees required under 37 CFR 1.16.
 Any patent application processing fees under 37 CFR 1.17.

January 9, 2004

Date

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on January 9, 2004.

James G. Porcelli
(Name of Person Mailing Paper)

Signature

James G. Porcelli

01/09/04

Date

By

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